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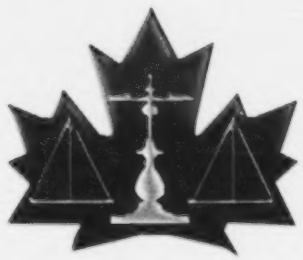
Trafficking in persons in Canada, 2014



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.. not available for a specific reference period
... not applicable
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^{p} preliminary
^{r} revised
x suppressed to meet the confidentiality requirements of the *Statistics Act*
^{E} use with caution
F too unreliable to be published
* significantly different from reference category ($p < 0.05$)

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Trafficking in persons in Canada, 2014

by Maisie Karam

Trafficking in persons, also referred to as human trafficking, is a complex phenomenon that can occur domestically or across international borders, and can take many forms (see Text box 1). As defined by the *Criminal Code of Canada*, trafficking in persons occurs when someone recruits, transports, transfers, receives, holds, conceals or harbours a person, or exercises control, direction or influence over the movements of a person for the purpose of exploiting them or facilitating their exploitation (*Criminal Code of Canada* 2015). Human trafficking victims often suffer from emotional trauma, as well as economic, physical and sexual abuse (Public Safety Canada 2012; United Nations 2008). The scope of human trafficking is difficult to identify due to the hidden nature of the crime, victims' reluctance to report crimes to the authorities, difficulties in identifying victims, and the high degree of underreporting (Public Safety Canada 2012).

Statistics Canada collects police-reported information under the *Criminal Code* human trafficking offences, as well as the *Immigration and Refugee Protection Act* human trafficking offence which targets cross-border trafficking. In 2005, three specific offences were added to the *Criminal Code* as part of the government's commitment to combat human trafficking. In 2010, and later 2012, the *Criminal Code* was amended to include a child trafficking offence and other human trafficking-related provisions (see Text box 2). These offences focus on the exploitation of the victim and can be applied to the various forms that this crime can take, including victims being brought into Canada from abroad, victims being transited through Canada to another country, and victims who originate from and are exploited within Canada (Ogrodnik 2010).

This *Juristat* article uses data from the Uniform Crime Reporting Survey to examine the scope of police-reported human trafficking in Canada, including the frequency of trafficking incidents. It also describes the characteristics of victims and of those accused of trafficking in persons. In addition, the article presents information on criminal court cases related to trafficking in persons. Throughout this article, the term 'human trafficking' will be used interchangeably with 'trafficking in persons'.

Highlights

Rate of police-reported human trafficking violations nearly doubled between 2013 and 2014

- In 2014, Canadian police services reported 206 violations of human trafficking in Canada, accounting for less than 1% of all police-reported incidents.[1, 2] Expressed as a rate, there was less than one police-reported violation of human trafficking for every 100,000 Canadians.
- After a slight decrease between 2009 and 2010, the police-reported number and rate of human trafficking has continued to increase (Chart 1). Between 2013 and 2014, the rate of human trafficking violations almost doubled (0.33 per 100,000 population and 0.58 per 100,000 population, respectively). It is important to note that the increase in human trafficking violations may be influenced by improved methods of reporting, detecting and investigating these incidents (Public Safety Canada 2012).

More than half of police-reported human trafficking incidents involve another offence

- Within any one criminal incident, there can be a number of offences committed. Between 2009 and 2014, there were 506 police-reported incidents that involved a violation of human trafficking.[3] Of these incidents, 279 (55%) involved at least one other violation. Human trafficking was the most serious violation in the majority of incidents that involved more than one violation (88%).
- Among the 246 incidents where human trafficking was the most serious offence in an incident involving more than one violation, 61% had a secondary offence that was prostitution-related.
- Among the 33 police-reported incidents where human trafficking was not the most serious violation, these incidents were most commonly related to kidnapping/forcible confinement (36%), sexual assault (level 1) (18%), and assault (all levels) (18%).

Victims of police-reported human trafficking are mostly young, mostly women

- Between 2009 and 2014, there were 396 victims of police-reported human trafficking.[4, 5] The vast majority of these victims were female (93%).
- Victims of human trafficking were generally young. Among victims of human trafficking reported between 2009 and 2014, close to half (47%) were between the ages of 18 and 24 (Chart 2). Additionally, one-quarter (25%) of human trafficking victims were under the age of 18.

- The majority (91%) of victims of human trafficking reported by police between 2009 and 2014 knew the person accused of the crime. More specifically, the most common relationship between the victim and accused was a business relationship[6] (23 %), followed by a casual acquaintance (22%), and a non-spousal intimate partner (18%).[7]
- Between 2009 and 2014, 100 human trafficking victims, or 3 in 10 victims (30%) experienced physical injury as a result of the human trafficking incident reported by police, the majority of injuries were reported as being minor.[8] Of those victims who reported an injury, the most common cause of injury was from physical force (81%).

Persons accused of human trafficking tend to be men

- The majority of people accused of police-reported human trafficking between 2009 and 2014 were male. More specifically, police services identified 459 persons accused of human trafficking,[9] 83% of whom were male.[10]
- Persons accused of human trafficking were most commonly between the ages of 18 to 24 (41%) and 25 to 34 (36%) (Chart 3).

Majority of human trafficking court cases result in finding of stayed or withdrawn

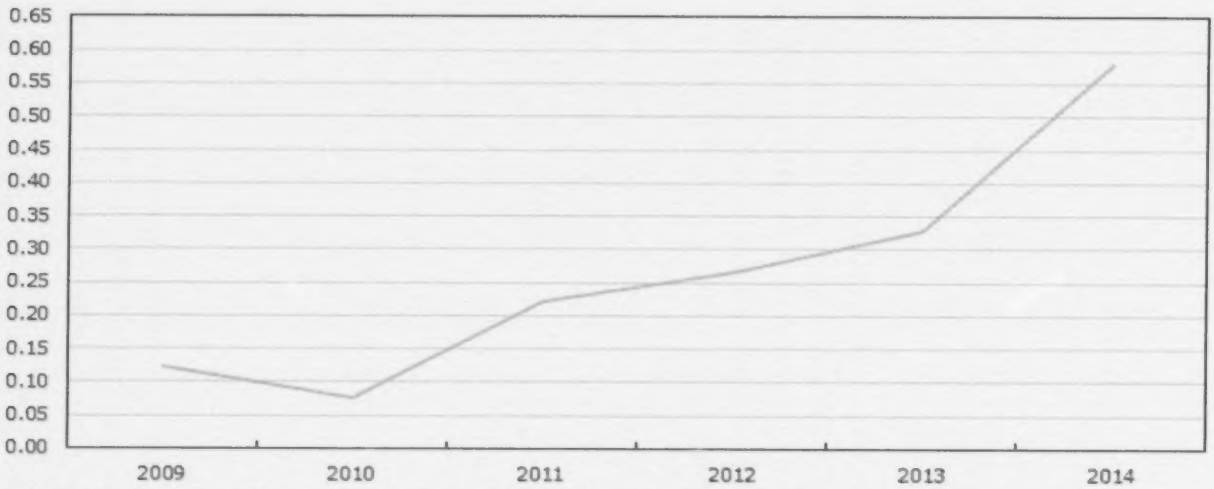
- Statistics Canada collects information on court cases involving human trafficking through the Integrated Criminal Court Survey (ICCS). According to the ICCS, from 2005/2006—when human trafficking legislation was introduced—to 2013/2014, there were 53 completed adult criminal court cases[11] where a human trafficking offence was the most serious offence.[12, 13] It is important to note that this method of analysis does not describe all completed cases processed by the courts that had a human trafficking charge as part of the case.
- Of the 53 completed adult human trafficking cases, the majority (58%) resulted in a finding of stayed or withdrawn,[14] while close to one-third (30%) resulted in a guilty finding.
- Of those guilty cases, almost one-quarter of accused were sentenced to custody (23%), 21% received a sentence of probation, and 13% received other sentences.[15] From 2005/2006 to 2013/2014, there were two human trafficking cases where the accused was acquitted.

Summary

In 2014, there were 206 police-reported violations of human trafficking in Canada, accounting for less than 1% of all police-reported incidents. The majority of victims were female (93%), while the majority of accused were male (83%). Between 2009 and 2014, 47% of victims of police-reported human trafficking were between the ages 18 and 24, while one-quarter (25%) were under the age of 18. Persons accused of police-reported human trafficking tended to be under the age of 35.

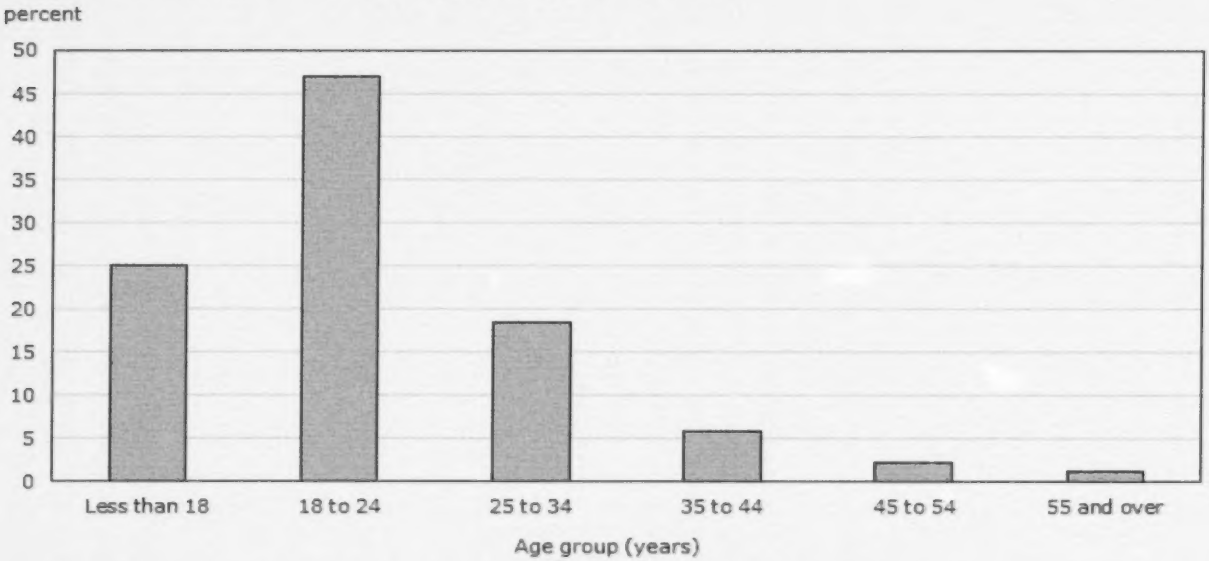
From 2005/2006 to 2013/2014, there were 53 completed adult criminal court cases involving human trafficking, of which the majority resulted in a finding of stayed or withdrawn.

Chart 1
Police-reported human trafficking violations in Canada, 2009 to 2014



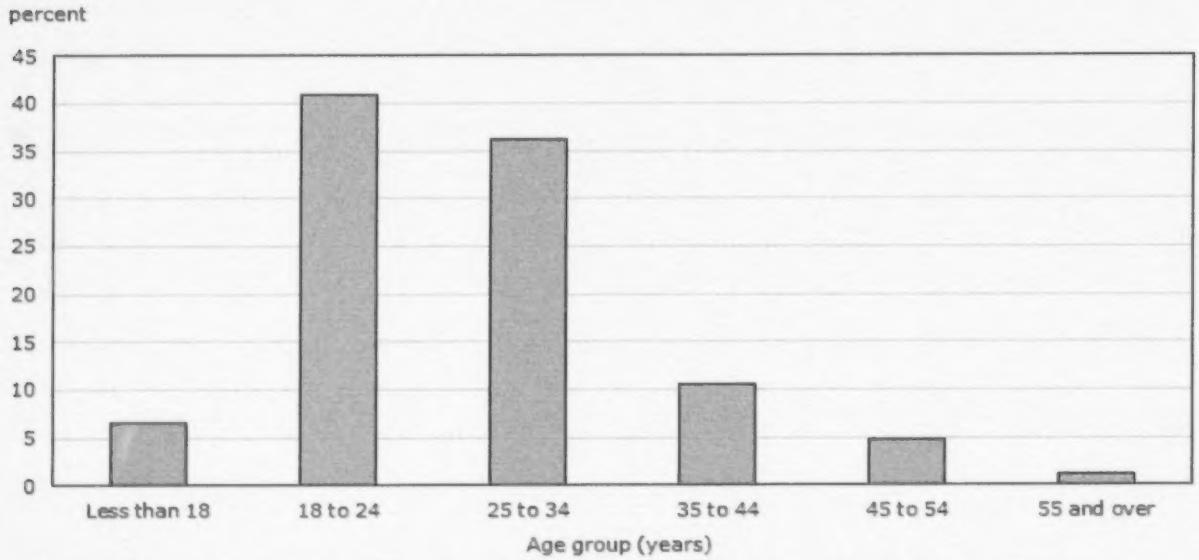
Note: The offences which comprise the category of human trafficking in the Uniform Crime Reporting Survey include: trafficking in persons (*CCCs.* 279.01); trafficking in persons under 18 (*CCCs.* 279.011); material benefit (*CCCs.* 279.02); and, withholding or destroying documents (*CCCs.* 279.03). In addition, it also includes an offence in the *Immigration and Refugee Protection Act* which targets cross-border trafficking. This analysis is based on aggregate data, and counts are based on the most serious violation in the incident. Rates are calculated on the basis of 100,000 population. Populations are based upon July 1st estimates from Statistics Canada, Demography Division.
Source: Statistics Canada, Canadian Centre for Justice Statistics, Uniform Crime Reporting Survey.

Chart 2
Human trafficking victims, by age group, 2009 to 2014



Note: The offences which comprise the category of human trafficking in the Uniform Crime Reporting Survey include: trafficking in persons (*CCC*s. 279.01); trafficking in persons under 18 (*CCC*s. 279.011); material benefit (*CCC*s. 279.02); and, withholding or destroying documents (*CCC*s. 279.03). In addition, it also includes an offence in the *Immigration and Refugee Protection Act* which targets cross-border trafficking. This analysis is based on data from the victim file of the Incident-based Uniform Crime Survey Trend Database (2009 to 2014) which represents 99% of police services in Canada. In order to support more detailed analysis on human trafficking victims, data have been pooled from 2009 to 2014. Unknowns are excluded from percent calculations.
Source: Statistics Canada, Canadian Centre for Justice Statistics, Uniform Crime Reporting Survey.

Chart 3
Persons accused of human trafficking, by age group, 2009 to 2014



Note: The offences which comprise the category of human trafficking in the Uniform Crime Reporting Survey include: trafficking in persons (*CCC*s. 279.01); trafficking in persons under 18 (*CCC*s. 279.011); material benefit (*CCC*s. 279.02); and, withholding or destroying documents (*CCC*s. 279.03). In addition, it also includes an offence in the *Immigration and Refugee Protection Act* which targets cross-border trafficking. This analysis is based on data from the accused file of the Incident-based Uniform Crime Reporting Survey Trend Database (2009 to 2014) which represents 99% of police services in Canada. In order to support more detailed analysis on human trafficking accused, data have been pooled from 2009 to 2014. Unknowns are excluded from percent calculations.
Source: Statistics Canada, Canadian Centre for Justice Statistics, Uniform Crime Reporting Survey.

Text box 1
Types of human trafficking

Human trafficking is often confused with migrant smuggling which involves the illegal movement of consenting persons across international borders for profit (Ogrodnik 2010; Public Safety Canada 2012; United Nations 2008). Migrant smuggling differs from trafficking in persons because it lacks the intent of exploitation (Public Safety Canada 2012; United Nations 2008). However, it is recognized that in some cases, smuggled migrants may be subsequently subjected to exploitation or become a trafficked person (Campana and Varese 2016; Ogrodnik 2010; Roots 2013).

Researchers have noted that Canada is a source, transit and destination country for trafficking in persons (Roots 2013). Men, women and children can be bought, sold, coerced or fraudulently deceived into providing exploitative services (Ogrodnik 2010). Often, victims of human trafficking are forced to pay off a debt to their trafficker, commonly known as debt bondage (Lusk and Lucas 2009; Weitzer 2014). Debt bondage can occur in all forms of human trafficking. The major types of human trafficking globally include the following:

Sex trafficking: Victims are subjected to sexual exploitation, typically in the sex trade. While sex trafficking can affect men, this form of human trafficking disproportionately affects women and children.

Forced labour: Victims are coerced into working long hours, with often little to no pay. Forms of forced labour can include domestic servitude, as well as working in the manufacturing, restaurant, farming, or construction industries. (British Columbia Ministry of Justice 2013; Interpol 2015; Weitzer 2014).

Text box 2
Legislation and initiatives for trafficking in persons in Canada

Three tracking in persons offences were added to the *Criminal Code of Canada* in 2005: section 279.01 (trafficking in persons), 279.02 (receiving a material benefit from trafficking in persons), 279.03 (withholding or destroying documents to facilitate trafficking in persons) (*Criminal Code of Canada* 2015; Parliament of Canada 2005). Additionally, the 2005 amendments included a specific definition of "exploitation" for the trafficking in persons offences. In 2010, the *Criminal Code* was amended to include section 279.011 (trafficking in persons under 18 years of age) and in 2012, the *Criminal Code* was amended to allow for Canadian prosecution of Canadians and permanent residents of Canada who commit human trafficking offences internationally (*Criminal Code of Canada* 2015; Parliament of Canada 2010; Parliament of Canada 2012). In addition to these *Criminal Code* offences, the *Immigration and Refugee Protection Act* includes a human trafficking offence that applies to human trafficking that cross Canada's borders (section 118) (*Immigration and Refugee Protection Act* 2015).

Currently, the Government of Canada has implemented the National Action Plan to Combat Human Trafficking (Public Safety Canada 2012). This action plan is aimed at preventing human trafficking, protecting the victims, prosecuting the offenders, and working in partnership with domestic and international organizations to combat human trafficking (Public Safety Canada 2012). Similar to the National Action Plan, British Columbia's Office to Combat Trafficking in Persons implemented an action plan, which seeks to address and respond to human trafficking in the province (British Columbia Ministry of Justice 2013). Additionally, there have been many initiatives throughout Canada that aim to combat human trafficking. For instance, the Royal Canadian Mounted Police has established a Human Trafficking National Coordination Centre that provides a focal point for law enforcement in their efforts to combat human trafficking (Royal Canadian Mounted Police 2015).

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Survey description

The Uniform Crime Reporting (UCR) Survey

The UCR Survey was developed in 1962 with the cooperation and assistance of the Canadian Association of Chiefs of Police. UCR Survey data reflects reported crime that has been substantiated through police investigation from all separate federal, provincial and municipal police services in Canada. There are currently two versions of the UCR Survey: aggregate and incident-based microdata.

Uniform Crime Reporting (aggregate) Survey

The aggregate UCR Survey includes the number of reported offences, actual offences, offences cleared by charge or cleared otherwise, persons charged (by sex and by adult/youth breakdown) and those not charged. It does not include victim or incident characteristics. Coverage of the UCR Survey in 2014 was at 99.9% of the caseload of all police services in Canada.

Incident-based Uniform Crime Reporting (UCR2) Survey

The Incident-based UCR2 Survey captures detailed information on individual criminal incidents reported to police, including characteristics of victims, accused persons and incidents. Police services switch over from the Aggregate to the Incident-based Survey as their records management systems become capable of providing this level of detail. Coverage of the UCR2 Survey for 2014 represented 99.6% of the population in Canada.

The Uniform Crime Reporting (UCR2) Trend Database

The UCR2 Trend Database contains historical data, which permits the analysis of trends from 2009 to 2014 in the characteristics of the incidents, accused and victims, such as weapon use and accused-victim relationships. This database includes respondents accounting for 99.2% of the population of Canada in 2014.

The Integrated Criminal Court Survey (ICCS)

The Integrated Criminal Court Survey (ICCS) is administered by the Canadian Centre for Justice Statistics (Statistics Canada) in collaboration with provincial and territorial government departments responsible for criminal courts in Canada. The survey collects statistical information on adult and youth court cases involving *Criminal Code* and other federal statute offences. Data contained in this article represent the adult criminal court portion of the survey, namely, individuals who were 18 years of age or older at the time of the offence.

Notes

1. Data are drawn from the Uniform Crime Reporting Survey which captures information on all criminal incidents that have been reported and substantiated through investigation by Canadian police services. This analysis is based on aggregate data, and counts are based on the most serious violation in a criminal incident.

2. The offences which comprise the category of human trafficking in the Uniform Crime Reporting Survey include: trafficking in persons (*CCCs*. 279.01); trafficking in persons under 18 years of age (*CCCs*. 279.011); receiving a material benefit from trafficking in persons (*CCCs*. 279.02); and, withholding or destroying documents to facilitate trafficking in persons (*CCCs*. 279.03). In addition, it also includes an offence in the *Immigration and Refugee Protection Act* which targets cross-border trafficking.

3. This analysis is based on data from the Incident-based Uniform Crime Reporting Survey Trend Database (2009 to 2014) which represents 99% of police services in Canada. In order to support more detailed analysis on human trafficking incidents, data have been pooled from 2009 to 2014.

4. This analysis is based on data from the victim file of the Incident-based Uniform Crime Reporting Survey Trend Database (2009 to 2014) which represents 99% of police services in Canada. In order to support more detailed analysis on human trafficking victims, data have been pooled from 2009 to 2014.

5. Reporting victim information for the offence of human trafficking is optional for police services. In addition, no victim information is captured for the human trafficking violation under the *Immigration and Refugee Protection Act*. As a result, it is possible to have more incidents of human trafficking than victims.

6. Business relationship refers to a relationship in which the workplace or business involved is the primary source of contact.

7. Non-spousal intimate partner includes current or former boyfriend/girlfriend, and other intimate relationships.

8. Unknowns are excluded from percent calculations. Between 2009 and 2014, this information was unknown for 17% of victims.

9. This analysis is based on data from the accused file of the Incident-based Uniform Crime Survey Trend Database (2009 to 2014) which represents 99% of police services in Canada. In order to support more detailed analysis on human trafficking accused, data have been pooled from 2009 to 2014.

10. Unknowns are excluded from percent calculations.

11. A completed case is one or more charges against an accused person or company, which were processed by the courts at the same time, and received a final decision. A case is not deemed complete until all charges in that case are disposed of (i.e., have received a final decision).

12. A case that has more than one charge is represented by the charge with the "most serious offence" (MSO). The MSO is selected using the following rules. First, court decisions are considered and the charge with the "most serious decision" (MSD) is selected. Court decisions for each charge in a case are ranked from most to least serious as follows: (1) guilty, (2) guilty of a lesser offence, (3) acquitted, (4) stay of proceeding, (5) withdrawn, dismissed or discharged, (6) not criminally responsible, (7) other, and (8) transfer of court jurisdiction. Second, in cases where two or more charges result in the same MSD (for example, guilty), *Criminal Code* sanctions are considered. The charge with the most serious offence type is selected according to an offence seriousness scale, based on actual sentences handed down by courts in Canada.

13. As of 2005/2006, all adult provincial and territorial courts in 10 provinces and 3 territories reported to the survey. Information from superior courts in Prince Edward Island, Quebec, Ontario, Manitoba and Saskatchewan as well as municipal courts in Quebec could not be extracted from their electronic reporting systems and was therefore unavailable. The absence of data from superior courts in these five jurisdictions may have resulted in a slight underestimation of the severity of sentences since some of the most serious cases, which are likely to result in the most severe sanctions, are processed in superior courts.

14. This category includes stays, withdrawals, dismissals and discharges at preliminary inquiry as well as court referrals to alternative or extrajudicial measures and restorative justice programs. These decisions all refer to the court stopping criminal proceedings against the accused.

15. "Other" sentences include absolute and conditional discharge, suspended sentence, community service order and prohibition order among others.